IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO. 1104 OF 2006
IN
SUIT N0. 1455 OF 2004

Mahendra Jayantilal Vora & Ors. ... Plaintiffs

V/s.

Aditya Enterprises & Ors. ... Defendants.

And

Ashok Kumar Hajarimal Jain. ... Applicant.

WITH

CHAMBER SUMMONS NO. 1105 OF 2006
IN
SUIT NO. 1455 OF 2004

Mahendra Jayantilal Vora & Ors. ... Plaintiffs.

V/s.

Aditya Enterprises & Ors. ... Defendants.

And

Smt. Anjana Pravin Mandlecha & Ors. ... Applicants.

WITH

CHAMBER SUMMONS NO. 1106 OF 2006
IN
SUIT NO. 1455 OF 2004

Mahendra Jayantilal Vora & Ors. ... Plaintiffs.

V/s.

Aditya Enterprises & Ors. ... Defendants.

And

Smt. Meena Dilip Panchal & Ors. ... Applicants.

....

Mr. V.K. Shah i/b. Y.R. Shah for the Plaintiffs.

Mr. H.C. Mehta with Mr. S. Nagvadarna i/b. M/s. Mehta & Co. for the Applicants.

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CORAM : SMT. ROSHAN DALVI, J.

DATE : 9TH FEBRUARY 2007.

P.C. :

1. The Plaintiffs have sued Defendant Nos.1, 2 and 3 who are the developers of their property. Defendant Nos. 4 to 15 have been joined the suit later as proper parties. They are the flat purchasers in the building developed by Defendant Nos.1,2 and 3. The Applicant is one of the shop purchasers. His rights are identical to the rights of Defendant Nos.4 to 15.

2. The Plaintiffs contend that Defendant Nos.1 to 3 are only the Contractors. Defendant Nos.1 to 3 contend that they are the developers and have interest in the property. Defendant Nos.1, 2 and 3 have counter claim for specific performance. Defendant Nos.1,2 and 3 have sought to create rights in favour of Defendant Nos.4 to 15. All these parties have already been joined as proper parties to the suit in respect of the properties which are part of the suit property itself. The same anology applies to the Applicants.

3. Chamber Summons is made absolute in terms of prayer (a). Plaintiffs to carry out amendments within two weeks in the plaint as well as in the copies of the plaint served upon the Defendants. Plaintiffs to serve the amended copy of the plaint upon the Applicants. The Applicant's Advocate waives service of the writ of summons. This order is not stayed.

(SMT.ROSHAN DALVI,J.)